

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR



LORI M.K. KAHIKINA, P.E.
DIRECTOR

TIMOTHY A. HOUGHTON
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
DIR 14-011

February 12, 2014

The Honorable Ernest Y. Martin
Chair and Presiding Officer
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

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Dear Chair Martin and Councilmembers:

The Department of Environmental Services (ENV) would like to request City Council approval of the attached proposed amendments to the Revised Ordinances of Honolulu 1990 ("ROH"), Chapter 9, City-Provided Refuse Services.

The purpose of the proposed bill is to generate revenue to reduce subsidies of the City-provided refuse collection services. The bill will allow the City to charge those receiving front-loader services the actual cost of the services provided, and residents receiving manual and automatic refuse pickup services approximately 20% of the cost of the services provided.

Should you have any technical questions or concerns regarding this proposal, please contact me at 768-3486.

Sincerely,

A handwritten signature in black ink, appearing to read "Lori M.K. Kahikina".

Lori M.K. Kahikina, P.E.
Director

APPROVED:

A handwritten signature in black ink, appearing to read "Ember Lee Shinn".
Ember Lee Shinn
Managing Director



A BILL FOR AN ORDINANCE

TO AMEND CHAPTER 9, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED, RELATING TO CITY-PROVIDED REFUSE SERVICES

BE IT ORDAINED by the People of the City and County of Honolulu.

SECTION 1. Purpose and Intent. The purpose of this ordinance is to allow the City to charge for City-provided refuse collection services.

SECTION 2. Section 9-1.2, Revised Ordinances of Honolulu 1990, is amended by adding new definitions to be appropriately inserted and to read as follows:

“Dwelling unit” means “dwelling unit” as defined in Section 21-10.1.”

“Nonprofit organization” means an association, corporation or other entity, organized and operated exclusively for religious, charitable, scientific, literary, cultural, educational, recreational or other nonprofit purposes, no part of the assets, income or earnings of which inures to the benefit of any individual or member thereof, and whose charter or other enabling act contains a provision that, in the event of dissolution, the assets owned by such association, corporation or other entity shall be distributed to another association, corporation or other entity organized and operated exclusively for nonprofit purposes, and which further qualifies for exemption from the general excise tax provisions of HRS Chapter 237, as amended, and under Section 501 of the Internal Revenue Code of 1954, as amended.”

SECTION 3. Section 9-1.5, Revised Ordinances of Honolulu 1990, is amended to read as follows:

“Sec. 9-1.5 Limitations to collection by refuse crews.

The division shall not collect:

- (a) Any soil, rock, concrete, explosives, liquids, radioactive materials, construction debris, demolition debris, commercial cooking oil waste, or commercial FOG waste; except that used oil may be collected under a curbside collection service established pursuant to Section 2-8.2;
- (b) Any refuse, green waste, and other recyclable materials as designated by the director not prepared for collection as provided by Section 9-1.4;
- (c) Any refuse, green waste, and other recyclable materials as designated by the director not placed for collection as provided by Section 9-1.4;



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- (d) Any rubbish consisting of tree branches, plant cuttings, vines and other similar materials exceeding one cubic yard in volume for any single regular collection in manual collection areas;
- (e) Any refuse, green waste, and other recyclable materials as designated by the director placed for collection in a place which is unsafe or is likely to cause injury to the persons collecting said refuse, green waste, and other recyclable materials; or
- (f) Any refuse, green waste, and other recyclable materials from any business, dwelling unit, government building, nonprofit organization, or multi-unit residential building where the owner thereof shall have failed to pay the service charges hereinafter provided."

SECTION 4. Section 9-3.3, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 9-3.3 Service to government buildings

The division may provide refuse collection services to buildings of the federal and state governments upon request from the authorities responsible for such buildings. The charge for service to such governmental buildings, other than buildings used for residential purposes, shall be that which is applicable to a place of business. For services rendered to buildings used [for residential purposes] as dwelling units, the charge[s] shall be [established by agreement. Such agreement shall be executed by the director of budget and fiscal services, with the recommendation of the director, on behalf of the city] that which is applicable to dwelling units or multi-unit residential buildings."

SECTION 5. Section 9-4.1, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 9-4.1 Collection charges for businesses and non-profit organizations.

- (a) For Refuse Generated by Businesses and Non-profit Organizations that is Collected by Manual Collection.
 - (1) Unit Charge for Collection. For all refuse collected and removed by the division on regularly scheduled twice a week collection days from places of business and non-profit organizations, there shall be a monthly unit charge or a minimum charge, whichever is greater, assessed against each business and non-profit organization served by the division in accordance with the following schedule:



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Unit Charge (per cubic foot)	Minimum Charge (per month or fraction thereof)	Effective Date
[\$1.00] <u>2.00</u>	[\$30.00] <u>75.00</u>	[July 1, 1997] <u>July 1, 2014</u>

For all refuse collected and removed by the division on regularly scheduled six times a week collection days from places of business and from non-profit organizations, there shall be a monthly unit charge or a minimum charge, whichever is greater, assessed against each business and non-profit organization served by the division in accordance with the following schedule:

Unit Charge (per cubic foot)	Minimum Charge (per month or fraction thereof)	Effective Date
<u>\$6.00</u>	<u>\$150.00</u>	<u>July 1, 2014</u>

- (2) Volumes of refuse shall be based on monthly averages determined by periodic measurements. New accounts shall be charged the minimum charge specified in paragraph (1) of this subsection per month during the period that the monthly average volume is being determined; provided, that after the average monthly volume is determined, retroactive adjustment of charges over the minimum may be made if deemed to be warranted, such determination to be made by the director of [finance] budget and fiscal services or the director's designated billing agency.
- (b) For Refuse Generated by Businesses and Non-Profit Organizations and Collected by Automated Collection with 90-Gallon City-Issued Carts:
- (1) Cart Deposit Charge. An initial cart deposit fee shall be charged for each business and non-profit organization cart. Upon return of the cart to the city refuse division, a portion of the cart deposit fee shall be returned to the business and non-profit organization. The difference between the deposit fee and the deposit return shall be retained by the city for administrative handling, including cart delivery. Carts are the responsibility of the business owner and non-profit organization. Damaged carts under warranty will be repaired or replaced by the city. The city will collect the deposit fee for all carts issued to businesses and non-profit organizations, including the carts issued prior to July 1, 1997. [***Editor's Note:** "July 1, 1997" has been substituted for the "effective date of this ordinance."]



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Deposit Fee
(per cart)
\$90.00

Deposit Return
(per cart)
\$70.00

Effective Date
July 1, 1997

- (2) Unit Charge. [The unit charge for collection will be according to the following schedule:] For all refuse collected and removed by the division on regularly scheduled twice a week collection days from places of business and non-profit organizations, there shall be a monthly unit charge or a minimum charge, whichever is greater, assessed against each entity served by the division in accordance with the following schedule:

Monthly Unit
Charge
(per cart)
\$75.00

Minimum Charge
(per month or
fraction thereof)
\$75.00

Effective Date
July 1, 1997

- [(3) New Account Charge. New accounts shall be charged the minimum charge specified in paragraph (2) of this subsection.]”

SECTION 6. Section 9-4.3, Revised Ordinances of Honolulu 1990, is amended to read as follows:

“Sec. 9-4.3 Payments of charges.

- (a) [Collection and d] Disposal charges shall be billed monthly or bimonthly by the director of budget and fiscal services or the director's designated billing agency, such determination to be made by said director, and shall be paid within 60 days after the date of the bill.
- (b) Collection charges for businesses, non-profit organizations, and multi-unit residential buildings that utilize 3-cubic yard container front-loader services and disposal charges shall be billed monthly or bimonthly by the director of budget and fiscal services or the director's designated billing agency, such determination to be made by said director, and shall be paid within 30 days after the date of the bill.
- (c) Collection charges for dwelling units or multi-unit residential buildings receiving automated or manual refuse collection services shall be billed by the director of budget and fiscal services or the director's designated billing agency, as determined by the director of budget and fiscal services, in either of the following methods: (1) billed monthly or bi-monthly and paid within 30 days after the date of the monthly or bi-monthly bill, or (2) billed as of the billing dates and paid not later than the payment dates designated in the following schedule:



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Fiscal Year Schedule

<u>(Billing Date)</u>	<u>(1st Payment)</u>
July 20	August 20

<u>(Billing Date)</u>	<u>(2nd Payment)</u>
January 20	February 20

- [(b)] (d) Charges not paid [within 60 days of the payment dates] when due shall become delinquent and shall be subject to interest at the rate of one percent per month for each month or fraction thereof that such charges remain delinquent.
- [(c)] (e) If partial payment of a delinquent charge is made, the amount received shall first be credited to interest and then to principal."

SECTION 7. Section 9-4.4, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 9-4.4 Failure to pay charges.

- (a) The director shall discontinue collection and disposal service to any business, dwelling unit, government building, nonprofit organization, or multi-unit residential building for failure to pay any charge when due. The director shall resume service upon request for reinstatement of service by the business, dwelling unit, government building, nonprofit organization, or multi-unit residential building and upon payment to the director of budget and fiscal services of all delinquent charges including interest. There shall be a service reinstatement fee of \$10.00 which shall be paid to the director of budget and fiscal services at the time the request for reinstatement of service is made.
- (b) A service fee of \$25.00 will be charged for handling a dishonored check."

SECTION 8. Chapter 9, Article 4, Revised Ordinances of Honolulu 1990, is amended by adding a new section to be appropriately designated and to read as follows:

"Sec. 9-4. Collection charges for dwelling units or multi-unit residential buildings receiving automated or manual refuse collection services.

For all refuse collected and removed by the division on regularly scheduled collection days by automated or manual collection from dwelling units or multi-unit residential buildings, there shall be a monthly charge assessed per dwelling unit or per dwelling unit within a multi-unit residential building in accordance with the following schedule:



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	<u>Monthly Charge</u>	<u>Effective date</u>
<u>Twice Weekly Automated Collection Service (maximum of five (5) carts – a basic package of 1 grey, 1 green, and 1 blue, plus two additional carts)</u>	<u>\$10.00</u>	<u>January 1, 2015</u>
<u>Twice Weekly Manual Collection Service</u>	<u>\$10.00</u>	<u>January 1, 2015</u>

SECTION 9. Chapter 9, Article 4, Revised Ordinances of Honolulu 1990 is amended to by adding a new section to be appropriately designated and to read as follows:

“Sec. 9-4. Collection charges for multi-unit residential buildings and nonprofit organizations that utilize 3-cubic yard container front-loader services.

For all refuse collected and removed by the division on regularly scheduled collection days by front-loader service in owner-provided 3 cubic yard containers from multi-unit residential buildings and nonprofit organizations, there shall be a monthly charge assessed for each 3 cubic yard container in accordance with the following schedule:

<u>Front Loader Service (for each 3-cubic yard container collected twice a week)</u>	<u>Monthly Charge</u>	<u>Effective date</u>
	<u>\$314.00</u>	<u>July 1, 2014”</u>



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SECTION 10. Ordinance material to be repealed is bracketed. New material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material or the underscoring.

SECTION 11. This ordinance shall take effect upon its approval.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

KIRK CALDWELL, Mayor
City and County of Honolulu